

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID ALAN METCALFE,

Plaintiff

Case No. 2:19-cv-01793-JAD-DJA

ORDER

v.

BRIAN E WILLIAMS, et al.,

Defendants

I. DISCUSSION

Plaintiff, who is in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.) Plaintiff’s case is currently in line for screening pursuant to 28 U.S.C. § 1915A. Plaintiff has filed two motions for his medical records. (ECF Nos. 3, 6). These appear to amount to motions for discovery. Because this case is at the prescreening stage, discovery requests are not appropriate at this time. As such, the Court denies Plaintiff’s motions for his medical files without prejudice.

Plaintiff has also filed a motion requesting that the Court order NDOC officials to release Plaintiff’s birth certificate so that he can use it to obtain a replacement social security card to use after his release. The Court construes this as a motion for a preliminary injunction. Injunctive relief, whether temporary or permanent, is an “extraordinary remedy, never awarded as of right.” *Winter v. Natural Res. Defense Council*, 555 U.S. 7, 24 (2008). “A court’s equitable power lies only over the merits of the case or controversy before it. When a plaintiff seeks injunctive relief based on claims not pled in the complaint, the court does not have the authority to issue an injunction.” *Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr.*, 810 F.3d 631, 633 (9th Cir. 2015).

This action is based on allegations that the Defendants have been deliberately indifferent to Plaintiff’s serious medical needs. (ECF No. 1-1 at 9.) The Court does not have the authority to issue an injunction on what appears to be a completely unrelated

1 dispute involving Plaintiff's birth certificate. As such, the Court denies Plaintiff's motion
2 for an order requiring NDOC officials to release Plaintiff's birth certificate.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that Plaintiff's motions for his medical
5 files (ECF Nos. 3, 6) are denied without prejudice.

6 IT IS FURTHER ORDERED that Plaintiff's motion for an order requiring NDOC
7 officials to release his birth certificate (ECF No. 5) is denied.

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9 DATED this 13th day of August 2020.

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12 UNITED STATES MAGISTRATE JUDGE
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